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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,025	03/28/2000	Atsushi Okuyama	1232-4621	5073

7590 04/04/2003

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EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

9

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RM

Office Action Summary

Application No.

09/537,025

Applicant(s)

OKUYAMA ET AL.

Examiner

Jeffery A. Brier

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4,6-9,11-14 and 16-19 is/are allowed.
- 6) ☒ Claim(s) 10 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 02/19/03 has been entered. Claim 5 and 15 have been cancelled. Claims 1, 6, 7, and 10 have been amended.
2. The proposed drawing correction filed on 02/19/03 has been approved. The corrected or substitute drawings were received on 02/19/03. These drawings are acceptable.
3. Amended claims 1-4, 6-9, 11-14, and 16-19 overcome the prior art rejection set forth in paper no. 6.

Response to Arguments

4. Applicant's arguments with respect to claim 10 have been considered but are moot in view of the new ground(s) of rejection. Page 4 of paper no. 6 indicated that claim 5 written in independent form would be allowable and gave reasons for the combination of claims 5 and 1 as being allowable. The indication of allowable subject matter did state that claims 10 plus 5 would be allowable. In view of the new prior art of record, claims 10 and 20 are not patentable over the art of record.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 10 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa, U.S. Patent No. 5,321,448. These claims are not allowable because this claim does not claim the purity is varied by moving the filter into or out of an optical path. These claims claim the filter varies the purity and that it is also movable into and out of the optical path, however, they do not claim the movement controls the purity. At column 2 lines 3-10 and 17-25, column 5 lines 9-18, column 7 lines 58-68, column 12 line 53 to column 13 line 3, column 15 lines 11-19 and column 19 lines 14-18 Ogawa teaches varying the color purity of the light beams by placing filter FR, FG, FB in the optical path. At column 19 lines 14-18 Ogawa teaches these filters are not necessary, thus, they can be removed, making filters FR, FG, FB movable into and out of an optical path. Inherently when the color purity is low the color reproduction range is inherently narrower because the color range of the lower color purity is less.

Regarding claim 20: Ogawa projects the image from lens 3 onto a screen, column 1 line 9. The screen is at least a plane.

Allowable Subject Matter

7. Claims 1-4, 6-9, 11-14, and 16-19 are allowed.
8. The prior art of record fails to teach or suggest wherein purity of at least one color out of said colors is varied by moving a filter into or out of an optical path of said at least one color and wherein a control pattern of the display element is modified according to variation in the purity of the at least one color.
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
Art Unit 2672